

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HARVEY HOLMES and)
ANNE HOLMES)
Plaintiffs)
v.)
VOLVO TRUCKS NORTH)
AMERICA, INC., and)
ANDCO, INC.)
Defendants)

CIVIL ACTION NO: 04-10996 RWZ

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

The plaintiffs in the action, Harvey Holmes and Anne Holmes, and the defendants, Volvo Trucks North America, Inc. and Andco, Inc., hereby submit this Joint Statement Pursuant to Local Rule 16.1:

I. PROPOSED AGENDA FOR SCHEDULING CONFERENCE

A. PROPOSED PRE-TRIAL SCHEDULE AND DISCOVERY PLAN

The parties submit the schedule and plan provided below as Part II.

B. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

The parties have no objection to the above, however, the defendants currently feel that the topic is entirely premature.

C. USE OF MAGISTRATE JUDGE

The parties, at this time, are unwilling to assent to a trial before a Magistrate Judge.

II DISCOVERY PLAN AND MOTION SCHEDULE

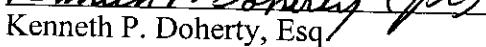
The parties propose the following discovery schedule:

1. The parties will make initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2 (A) by September 15, 2004.
2. Non-expert discovery to be completed by May 15, 2005.
3. Non-expert discovery motions to be served and filed by June 1, 2005.
4. Plaintiff's Rule 26 disclosure of expert information to be served by June 15, 2005.
5. Defendant's Rule 26 disclosure of expert information to be served by July 15, 2005.
6. Filing of all motions to compel expert disclosures to be completed by August 1, 2005.
7. Expert discovery, including depositions, to be completed by September 15, 2005.
8. Filing of any other motions, including dispositive motions, by October 15, 2005.

Harvey Holmes

Anne Holmes

By their attorney,

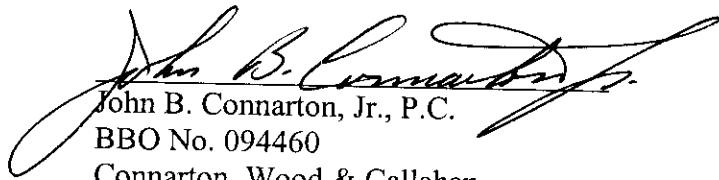


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Volvo Trucks North America, Inc.

Andco, Inc.

By their attorneys,



John B. Connerton, Jr., P.C.
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150 Federal Street
Boston, MA 02110
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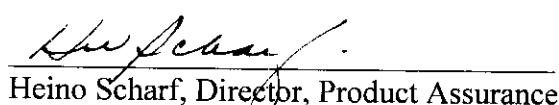
*****)
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CERTIFICATION

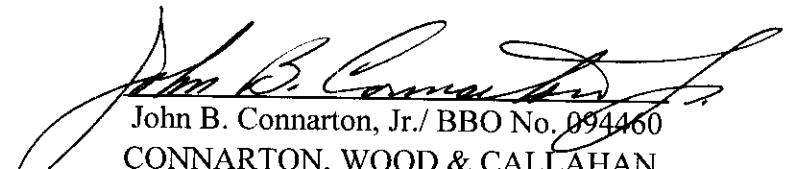
The undersigned hereby certify that they have conferred with respect to the following:

1. With a view to establishing a budget for the costs of conducting the full course - and the various alternative courses - of the litigation; and
2. To consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

VOLVO TRUCKS NORTH AMERICA, INC.
By:


Heino Scharf, Director, Product Assurance

VOLVO TRUCKS NORTH AMERICA, INC.
By their attorneys,


John B. Connarton, Jr./ BBO No. 094460
CONNARTON, WOOD & CALLAHAN
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(617) 443-0303

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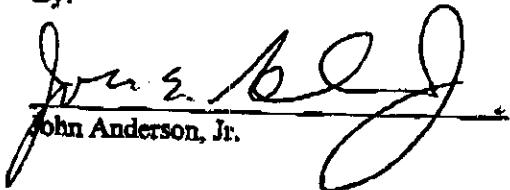
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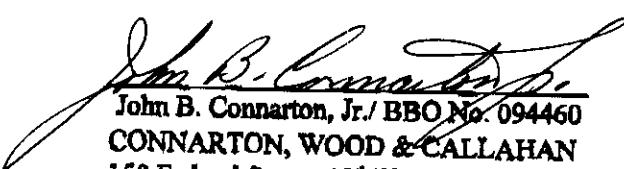
ANDCO, INC.

By:


 John Anderson, Jr.

ANDCO, INC.

By their attorneys,


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